

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 11-1109 JVS (ANx)

Date July 25, 2011

Title Sue Ismiel & Daughters (US), Inc. v. Spetner

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: Order to Show Cause Why Preliminary Injunction Should Not Issue

The Court has made a preliminary review of the Complaint filed by Sue Ismiel & Daughters (US), Inc. ("SID") which purports to invoke jurisdiction on the basis of 28 U.S.C. § 1339 ("The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to the postal service."). The Complaint appears to be based on the conduct of Robert Spetner ("Spetner") in violation of various postal laws, including diversion of and interference with the mails. The statute does not provide jurisdiction for such claims. Sciolino v. Marine Midland Bank-Western, 463 F.Supp. 128, 129-30 (W.D.N.Y.1979).

SID is ordered to show cause in writing no later than 4:00 p.m. July 26, 2011 why the Complaint should not be dismissed for lack of jurisdiction. The Court will not act on SID's pending application for a temporary restraining order and order to show cause re preliminary injunction until such a response is received.

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED
BY FAX DELIVERY ON PLAINTIFF/DEFENDANT (OR PARTIES)
AT THEIR RESPECTIVE MOST RECENT FAX NUMBER OF RECORD
IN THIS ACTION ON THIS DATE.

DATE: 7/25/11

[Signature]
DEPUTY CLERK

Initials of Preparer

00 : 00

kjt